



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the application of:
SANGKEUN RHEE, ET AL.

Docket: H0004592 (4760)

Serial Number: 10/783,355

Group Art Unit: 1773

Filed: February 20, 2004

Examiner: Ramsey E. Zacharia

For: FORMATION OF MULTILAYER SHEETS CONTAINING PCTFE AND COC
FOR BLISTER PACKAGING APPLICATIONS

APPEAL BRIEF FOR APPELLANT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal to the Board of Patent Appeals and Interferences from the rejection of claims 1-35 and 52-61 mailed July 25, 2006 in the above-identified case. A Notice of Appeal is being filed together with this brief. An oral hearing is not requested.

The Commissioner is authorized to charge the required appeal brief fee of \$500.00 to Deposit Acct. No. 01-1125. In the event that the Commissioner determines that an extension of time is required in order for this submission to be timely, it is requested that this submission include a petition for an extension for the required length of time and the Commissioner is authorized to charge any other fees necessitated by this paper to Deposit Acct. No. 01-1125.

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1. REAL PARTY IN INTEREST

The real party in interest is Honeywell International, Inc.

2. RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, please note that related U.S. patent application serial no. 10/783,357 filed on February 20, 2004 is currently on appeal. A notice of appeal and appeal brief were filed on September 5, 2006.

3. STATUS OF CLAIMS

The claims in the application are 1-35 and 52-61, all of which are pending, stand rejected and are on appeal. Claims 36-51 have been canceled.

4. STATUS OF AMENDMENTS

The Application is not under final rejection, but the pending claims have been rejected three times and qualify for appeal under 35 U.S.C. 134. A timely response to the rejection has been filed, in which claims 36-42, 45-48, 50 and 51 were canceled in order to place the Application in better condition for appeal.

5. SUMMARY OF CLAIMED SUBJECT MATTER

There is a need in the art for multilayer fluoropolymer films which include non-fluoropolymer films that have good properties that are acceptable for forming packaging and lidding films (see p. 3, line 28-p. 4, line 4). The present invention satisfies this need

in the art. The invention provides an adhesive composition suitable for obtaining excellent bond strength between a fluoropolymer layer and a thermoplastic polymer layer or another fluoropolymer layer (see p. 4, lines 1-4).

Independent claim no. 1 claims a multilayered film comprising:

- a) a fluoropolymer layer having first and second surfaces (see p. 6, lines 3-10; p. 6, line 14-p.7, line 3; Fig. 1);
- b) an adhesive tie layer, having first and second surfaces, on the fluoropolymer layer with the first surface of the adhesive tie layer on the first surface of the fluoropolymer layer; which adhesive tie layer comprises an adhesive combination of at least one tackifier, at least one ethylene/alpha-olefin copolymer and at least one styrenic block copolymer (see p. 6, lines 3-10; p. 12, line 4 – p. 17, line 2; Fig. 1); and
- c) a thermoplastic polymer layer, having first and second surfaces, on the adhesive tie layer with the first surface of the thermoplastic polymer layer on the second surface of the adhesive tie layer (see p. 6, lines 3-10; see p. 7, line 5 - p. 12, line 2; Fig. 1).

Independent claim no. 52 claims a multilayered film comprising:

- a) a poly(chlorotrifluoroethylene) layer having first and second surfaces (see p. 6, lines 3-10; p. 6, line 14-p.7, line 3);
- b) an adhesive tie layer, having first and second surfaces, on the poly(chlorotrifluoroethylene) layer with the first surface of the adhesive tie layer on the first surface of the poly(chlorotrifluoroethylene) layer; which adhesive tie layer comprises an adhesive combination of at least one tackifier, at least one ethylene/alpha-olefin

copolymer and at least one styrenic block copolymer (see p. 6, lines 3-10; p. 12, line 4 – p. 17, line 2);

c) a cyclic olefin copolymer layer, having first and second surfaces, on the adhesive tie layer with the first surface of the cyclic olefin copolymer layer on the second surface of the adhesive tie layer (see p. 6, lines 3-10; see p. 7, line 5 - p. 12, line 2; Fig. 1); and

d) at least one polymer layer on either the second surface of the poly(chlorotrifluoroethylene) layer, the second surface of the cyclic olefin copolymer layer, or both (see p. 17, lines 4-17; Figs. 1-2).

Independent claim no. 56 claims a process for forming a multilayered film comprising:

a) forming a fluoropolymer layer having first and second surfaces (see p. 6, lines 3-10; p. 6, line 14-p.7, line 3; p. 18, line 23 - p. 20, line 4);

b) attaching an adhesive tie layer, having first and second surfaces, to the polyolefin layer with the first surface of the adhesive tie layer on the first surface of the polyolefin layer; which adhesive tie layer comprises an adhesive combination of at least one tackifier, at least one ethylene/alpha-olefin copolymer and at least one styrenic block copolymer (see p. 6, lines 3-10; p. 12, line 4 – p. 17, line 2; p. 18, line 23 - p. 20, line 4); and

c) attaching a thermoplastic polymer layer, having first and second surfaces, to the adhesive tie layer with the first surface of the thermoplastic polymer layer on the second surface of the adhesive tie layer (see p. 6, lines 3-10; see p. 7, line 5 - p. 12, line 2; p. 18, line 23 - p. 20, line 4).

6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(a) Claims 1-35 and 52-61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,139,878 to Kim et al. in view of U.S. patent 5,591,792 to Hattori et al.

(b) Claims 1-18, 28-30, 33-35 and 52-55 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-17 of co-pending Application no. 10/783,356.

(c) Claims 1-35 and 52-55 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-29 and 40-43 of co-pending Application no. 10/783,357 in view of Hattori et al.

7. ARGUMENT

(a) Claims 1-35 and 52-61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,139,878 to Kim et al. in view of U.S. patent 5,591,792 to Hattori et al.

It is respectfully submitted that the rejection is incorrect and should be overruled.

The claimed invention provides multilayered films comprising a fluoropolymer layer attached to a thermoplastic polymer layer via an intermediate adhesive tie layer, which adhesive tie layer comprises an adhesive combination of at least one tackifier, at least one ethylene/alpha-olefin copolymer and at least one styrenic block copolymer. The adhesive composition adheres layers of such dissimilar polymeric materials that are otherwise incompatible, and achieves a significantly improved interlayer bond strength between

fluoropolymer and thermoplastic polymer layers as compared to the art. See, for example, Example 2 on page 25 of the specification, which illustrates a PCTFE/tie/COC film structure having a superior bond strength of 1860 g/inch. See also Example 3 on page 26 of the specification, which illustrates another PCTFE/tie/COC film structure having a superior bond strength of 1720 g/inch.

Kim et al. teaches multilayer film structures comprising a fluoropolymer film, a thermoplastic polymer film, and at least one intermediate adhesive layer selected from the group consisting of alkyl ester copolymers of an olefin and an α,β -ethylenically unsaturated carboxylic acid, modified polyolefins comprising an olefin and a functional moiety selected from the group consisting of unsaturated polycarboxylic acids and acid anhydrides, and blends of the alkyl ester copolymers and the modified polyolefins. These adhesive compositions are different than the adhesives employed in Appellants' claimed multilayer film. Particularly, as the Examiner acknowledges, Kim, et al. fails to teach an adhesive composition that includes a tackifier. The Kim, et al. reference also fails to teach an adhesive composition that includes a styrenic block copolymer. The Examiner points out that the Kim, et al. adhesive may include up to 40% of a thermoplastic elastomer such as a styrene/butadiene rubber (see col. 5, lines 53-66). However, these materials are not block copolymers, but rather, are random copolymers. More particularly, the random copolymers the Examiner points to are diene rubbers, not styrenic block copolymers. These random copolymers have different properties than block copolymers and are not mere substitutes for one another. For example, random copolymers and block copolymers have different thermal behavior, wherein block

copolymers exhibit an order-disorder transition and random block copolymers do not. More importantly, random copolymers have poor compatibility with ethylene/ α -olefin copolymers. In contrast, styrenic block copolymers have good compatibility with ethylene/ α -olefin copolymers.

As the Examiner acknowledges, Kim et al. fails to disclose the adhesive compositions of the presently claimed invention. To fill this void, the Examiner has applied Hattori, et al. Hattori, et al. teaches an adhesive composition comprising an ethylene polymer, which may be an ethylene- α -olefin copolymer, a tackifier, and a block copolymer which may be a styrenic block copolymer. However, it is respectfully submitted that the Examiner has improperly combined the references. Hattori, et al. does not describe film structures that include a fluoropolymer layer. *Importantly, there is no teaching or suggestion in either reference to combine the multilayer films disclosed by Kim et al. with the adhesive compositions described by Hattori, et al.* While Kim et al. does describe fluoropolymer layer containing multilayer film structures, their structures do not incorporate adhesive tie layers that may include a tackifier, nor do they teach adhesive tie layers that may include a styrenic block copolymer.

With respect to the Kim, et al. and Hattori, et al. references, it is respectfully submitted that the Examiner has improperly combined the references. Importantly, there is no teaching or suggestion in either reference to combine the multilayer films disclosed by Kim, et al. with the adhesive compositions described by Hattori, et al. "It is well settled that obviousness cannot be established by combining the teachings of the prior art to

produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so” ACS Hospital Sys., Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obvious was held improper). Furthermore, there is no evidence in the Hattori, et al. reference that their adhesive compositions would even be compatible with fluoropolymers, let alone have a reasonable expectation of success to adhere fluoropolymer layers with other polymeric layers.

In determining a *prima facie* case of obviousness, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification. In re Linter, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972). To do so, the applied prior art must be such that it would have provided one of ordinary skill in the art with both a motivation to carry out the claimed invention and a reasonable expectation of success in doing so. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991); In re O’Farrell, 853 F.2d 894, 902, 7 USPQ2d 1673, 1680 (Fed. Cir. 1988). The Kim, et al. and Hattori, et al. references fail to provide such motivation, particularly with a reasonable expectation of success. The Examiner states that one skilled in the art would be motivated to add 1-59% of a tackifier to the adhesive layer of Kim, et al. to improve the adhesive strength and moldability of

the adhesive. However, the Examiner has failed to show where such motivation is present in the proposed combination of references.

Accordingly, it is respectfully submitted that the Examiner has applied an impermissible “obvious to try” standard of patentability. It is well established that,

[t]he admonition that 'obvious to try' is not the standard under § 103 has been directed mainly at **two kinds of error**. In some cases, what would have been 'obvious to try' **would have been to vary all parameters or try each of numerous possible choices until one possibly arrived at a successful result, where the prior art gave either no indication of which parameters were critical or no direction as to which of many possible choices is likely to be successful....** In others, what was 'obvious to try' was to explore a new technology or general approach that seemed to be a promising field of experimentation, where the prior art gave only general guidance as to the particular form of the claimed invention or how to achieve it." In re O'Farrell, 853 F.2d 894, 903, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988) (citations omitted). (emphasis added).

The rejection presumes that it would be obvious for one of ordinary skill to try using other adhesive materials as a substitute for the specific adhesive materials described by Kim, et al., or to try adding a tackifier and styrenic block copolymer to the specific Kim, et al. adhesive composition. As directed by the court in In re O'Farrell, this is an impermissible standard of patentability. In addition, it is respectfully submitted that one of ordinary skill in the art would not have a reasonable expectation of success in achieving the claimed invention upon reading the applied references. The applied prior art must be such that it would have provided one of ordinary skill in the art with both a motivation to carry out the claimed invention and a reasonable expectation of success in doing so. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991); In re O'Farrell, 853 F.2d 894, 902, 7 USPQ2d 1673, 1680 (Fed. Cir. 1988). However, it is

conventionally known in the fluoropolymer film art that there is difficulty in successfully bonding fluoropolymer layers to non-fluoropolymer film layers. Accordingly, there is a need in the art for Appellants' invention, particularly, a new adhesive composition for adhering fluoropolymer layers to virtually any thermoplastic polymer layer. The applied references fail to provide both the requisite motivation and the requisite reasonable expectation of success to arrive at the claimed invention.

Appellants submit that the Examiner is looking beyond the teachings of the references. The belief that one skilled in the art could form the claimed multilayered film does not suggest that one should form such a film to obtain the disclosed benefits. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Such a suggestion is absent in each of the references.

It is also respectfully submitted that the Examiner is reconstructing the art in light of Appellants' disclosure. The point in time that is critical for an obviousness determination is at the time the invention. "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Obviousness cannot be established by hindsight combination to produce the

claimed invention. In re Gorman, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed.Cir.1991). It is the prior art itself, and not the Appellants' achievement, that must establish the obviousness of the combination. Where Appellants' teachings are needed to find the invention, the invention is not obvious.

Additionally, it is firmly established that in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); Schneck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). It is respectfully asserted that the invention as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

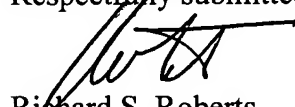
Accordingly, it is respectfully submitted that one skilled in the art would not look to the Hattori, et al. reference in combination with the Kim, et al. reference to arrive at the presently claimed invention. For these reasons, it is submitted that the rejection is incorrect and should be overruled.

(b) Claims 1-18, 28-30, 33-35 and 52-55 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-17 of co-pending Application no. 10/783,356. It is respectfully submitted that this ground of rejection is moot because co-pending Application no. 10/783,356 is being abandoned.

(c) Claims 1-35 and 52-55 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-29 and 40-43 of co-pending Application no. 10/783,357 in view of Hattori et al. It is respectfully submitted that the rejection is incorrect and should be overruled. The Examiner correctly states that claims 1-29 and 40-43 of co-pending Application no. 10/783,357 recite all the limitations of instant claims 1-35 and 52-55 except for the presence of a styrenic block copolymer in the adhesive composition. However, the Examiner has failed to show the requisite motivation in either application 10/783,357 or in Hattori, et al. that the Hattori adhesive may be used in the multilayer film structure of application 10/783,357 to adhere a fluoropolymer film to a non-fluoropolymer or to another fluoropolymer film. Particularly, the Examiner has failed to point out any teaching or suggestion in the applied reference to support his conclusion that one skilled in the art would be motivated to add 1-59 wt. % of a styrene-diene-styrene block copolymer to the adhesive composition of claims 1-29 and 40-43 of co-pending application 10/783,357 to improve the strength of the adhesive tie layer. It is again submitted that the Examiner is improperly reconstructing the art in light of Appellants' disclosure. Without prior knowledge of Appellants' invention, one skilled in the art would not look to combine the teachings of Hattori, et al. with the teachings of co-pending application 10/783,357 to arrive at the presently claimed invention. For these reasons, it is requested that the rejection be overruled.

For all the above reasons, claims 1-35 and 52-61 are urged to be patentable over the cited references. Accordingly, it is respectfully submitted that each of the rejections are improper and should be overruled. Such action is respectfully requested.

Respectfully submitted,



Richard S. Roberts
Attorney for Appellant
Registration No. 27,941
P.O. Box 484
Princeton, New Jersey 08542
Tel: 609-921-3500
FAX: 609-921-9535
Date: October 19, 2006

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Richard S. Roberts

8. CLAIMS APPENDIX

1. A multilayered film comprising:

- a) a fluoropolymer layer having first and second surfaces;
- b) an adhesive tie layer, having first and second surfaces, on the fluoropolymer layer with the first surface of the adhesive tie layer on the first surface of the fluoropolymer layer; which adhesive tie layer comprises an adhesive combination of at least one tackifier, at least one ethylene/alpha-olefin copolymer and at least one styrenic block copolymer; and
- c) a thermoplastic polymer layer, having first and second surfaces, on the adhesive tie layer with the first surface of the thermoplastic polymer layer on the second surface of the adhesive tie layer.

2. The multilayered film of claim 1 further comprising at least one polymer layer on either the second surface of the fluoropolymer layer, the second surface of the thermoplastic polymer layer, or both.

3. The multilayered film of claim 2 wherein said at least one polymer layer is on the second surface of the fluoropolymer layer.

4. The multilayered film of claim 2 wherein said at least one polymer layer is on the second surface of the thermoplastic polymer layer.

5. The multilayered film of claim 2 wherein said at least one polymer layer is on both the second surface of the fluoropolymer layer and the second surface of the thermoplastic polymer layer.

6. The multilayered film of claim 2 wherein said at least one polymer layer is attached to either the second surface of the fluoropolymer layer, the second surface of the thermoplastic polymer layer, or both via another layer of said adhesive combination.

7. The multilayered film of claim 2 further comprising a plurality of polymer layers attached to either the second surface of the fluoropolymer layer, the second surface of the thermoplastic polymer layer, or both via another layer of said adhesive combination.

8. The multilayered film of claim 1 wherein said fluoropolymer layer comprises a material selected from the group consisting of ethylene-chlorotrifluoroethylene copolymer, ethylene-tetrafluoroethylene copolymer, fluorinated ethylene-propylene copolymer, perfluoroalkoxyethylene, polychlorotrifluoroethylene, polytetrafluoroethylene, polyvinyl fluoride, polyvinylidene fluoride, and copolymers and blends thereof.

9. The multilayered film of claim 1 wherein said fluoropolymer layer comprises a chlorotrifluoroethylene homopolymer.

10. The multilayered film of claim 1 wherein said fluoropolymer layer comprises a poly(chlorotrifluoroethylene) containing copolymer.

11. The multilayered film of claim 1 wherein said thermoplastic polymer layer comprises a material selected from the group consisting of linear or branched polyolefin homopolymers, linear or branched polyolefin copolymers, cyclic olefin homopolymers, copolymers of cyclic olefins and linear or branched polyolefin homopolymers, copolymers of cyclic olefins and linear or branched polyolefin copolymers, ethylene vinyl acetate copolymers, polyesters, polyamides, polyvinyl chloride, polyvinylidene chloride, polystyrene, styrenic copolymers, polyisoprene, polyurethanes, ethylene ethyl acrylate, ethylene acrylic acid polymers, fluoropolymers and combinations thereof.

12. The multilayered film of claim 1 wherein said thermoplastic polymer layer comprises a cyclic olefin copolymer.

13. The multilayered film of claim 1 wherein said at least one tackifier comprises a material selected from the group consisting of terpene-based polymers, coumarone-based polymers, phenol-based polymers, rosin-based polymers, rosin esters and hydrogenated rosin esters, petroleum and hydrogenated petroleum-based polymers, styrene-based polymers and mixtures thereof.

14. The multilayered film of claim 1 wherein said at least one tackifier is selected from the group consisting of a terpene-based polymers, petroleum and hydrogenated petroleum-based polymers.

15. The multilayered film of claim 1 wherein said ethylene/alpha-olefin copolymer comprises a copolymer comprising an ethylene and at least one alpha-olefin having from three to twenty carbon atoms (C_3 - C_{20}).

16. The multilayered film of claim 1 wherein said styrenic block copolymer is selected from the group consisting of a styrene/ethylene-propylene/styrene block copolymer, a styrene/ethylene ethylene-propylene random/styrene block copolymer, a styrene/butadiene/styrene block copolymer, a styrene/ethylene butylene random/styrene block copolymer, a styrene/isobutylene/styrene block copolymer, a styrene/isoprene/styrene block copolymer, a styrene/hydrogenated butylene/styrene block copolymer and a maleic anhydride grafted styrene/ethylene butylene/styrene copolymer.

17. The multilayered film of claim 1 wherein said styrenic block copolymer comprises a styrene/isoprene/styrene copolymer.

18. The multilayered film of claim 1 wherein said styrenic block copolymer comprises a styrene/ethylene butylene random/styrene block copolymer.

19. The multilayered film of claim 1 wherein said tackifier comprises from greater than about 1% by weight to about 70% by weight of said adhesive combination.

20. The multilayered film of claim 1 wherein said tackifier comprises from about 5% by weight to about 30% by weight of said adhesive combination.

21. The multilayered film of claim 1 wherein said tackifier comprises from about 15% by weight to about 25% by weight of said adhesive combination.

22. The multilayered film of claim 1 wherein said at least one ethylene/alpha-olefin copolymer comprises from greater than about 40% by weight to about 98.9% by weight of said adhesive combination.

23. The multilayered film of claim 1 wherein said at least one ethylene/alpha-olefin copolymer comprises from about 70% by weight to about 95% by weight of said adhesive combination.

24. The multilayered film of claim 1 wherein said at least one ethylene/alpha-olefin copolymer comprises from about 75% by weight to about 85% by weight of said adhesive combination.

25. The multilayered film of claim 1 wherein said at least one styrenic block copolymer comprises from greater than about 0.1% by weight to about 80% by weight of said adhesive combination.

26. The multilayered film of claim 1 wherein said at least one styrenic block copolymer comprises from about 0.5% by weight to about 15% by weight of said adhesive combination.

27. The multilayered film of claim 1 wherein said at least one styrenic block copolymer comprises from about 1 % by weight to about 6% by weight of said adhesive combination.

28. The multilayered film of claim 1 wherein each of said layers are coextruded.

29. The multilayered film of claim 2 wherein said at least one polymer layer comprises a material selected from the group consisting a fluoropolymer, a polyamide, a polyolefin, an ethylene vinyl acetate copolymer, polyethylene terephthalate, polyvinyl chloride, polyvinylidene chloride, polystyrene, styrenic copolymers, polyisoprene, polyurethanes, an ethylene acrylic acid polymer, a cyclic olefin homopolymer or copolymer and combinations thereof.

30. The multilayered film of claim 1 wherein the film is uniaxially oriented, biaxially oriented or a blown film.

31. The multilayered film of claim 1 wherein the film is uniaxially oriented from about 1.3 to about 10 times in either its longitudinal or transverse directions.

32. The multilayered film of claim 1 wherein the film is biaxially oriented from about 1.5 to about 5 times each of its longitudinal and transverse directions.

33. The multilayered film of claim 1 wherein said film is formed into an article suitable for packaging moisture sensitive products.

34. The multilayered film of claim 1 wherein said film is thermoformed into an article suitable for packaging moisture sensitive products.

35. A tube formed from the multilayered film of claim 1.

52. A multilayered film comprising:

a) a poly(chlorotrifluoroethylene) layer having first and second surfaces;

- b) an adhesive tie layer, having first and second surfaces, on the poly(chlorotrifluoroethylene) layer with the first surface of the adhesive tie layer on the first surface of the poly(chlorotrifluoroethylene) layer; which adhesive tie layer comprises an adhesive combination of at least one tackifier, at least one ethylene/alpha-olefin copolymer and at least one styrenic block copolymer;
- c) a cyclic olefin copolymer layer, having first and second surfaces, on the adhesive tie layer with the first surface of the cyclic olefin copolymer layer on the second surface of the adhesive tie layer; and
- d) at least one polymer layer on either the second surface of the poly(chlorotrifluoroethylene) layer, the second surface of the cyclic olefin copolymer layer, or both.

53. The multilayered film of claim 52 wherein said film is formed into an article suitable for packaging moisture sensitive products.

54. The multilayered film of claim of claim 52 wherein said film is thermoformed into an article suitable for packaging moisture sensitive products.

55. A tube formed from the multilayered film of claim 52.

56. A process for forming a multilayered film comprising:

- a) forming a fluoropolymer layer having first and second surfaces;
- b) attaching an adhesive tie layer, having first and second surfaces, to the polyolefin layer with the first surface of the adhesive tie layer on the first surface of the polyolefin layer; which adhesive tie layer comprises an adhesive combination of at least one tackifier, at least one ethylene/alpha-olefin copolymer and at least one styrenic block copolymer; and
- c) attaching a thermoplastic polymer layer, having first and second surfaces, to the adhesive tie layer with the first surface of the thermoplastic polymer layer on the second surface of the adhesive tie layer.

57. The process of claim 56 wherein said multilayer film is formed into an article by injection molding, co-injection blow molding, co-injection stretch-blow molding or coextrusion blow molding techniques.

58. The process of claim 56 wherein said fluoropolymer layer, said adhesive tie layer and said thermoplastic polymer layer are coextruded.

59. The process of claim 56 wherein said multilayered film is formed into an article suitable for packaging moisture sensitive products.

60. The process of claim 56 wherein said film is thermoformed into an article suitable for packaging moisture sensitive products.

61. The process of claim 56 wherein said multilayered film is formed into a tube.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS INDEX

None.